

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE  
NEW ORLEANS, LA 70130

October 03, 2016

Mr. John William Weber III  
Federal Public Defender's Office  
Southern District of Mississippi  
2510 14th Street  
Suite 902  
Gulfport, MS 39501-0000

No. 16-60648 USA v. Robert Simmons  
USDC No. 1:16-CR-10-1

Dear Mr. Weber,

We have docketed the appeal and ask you to use the case number above in future inquiries.

Filings in this court are governed strictly by the Federal Rules of **Appellate** Procedure. We cannot accept motions submitted under the Federal Rules of **Civil** Procedure. We can address only those documents the court directs you to file, or proper motions filed in support of the appeal. See FED R. APP. P. and 5<sup>TH</sup> CIR. R. 27 for guidance. Documents not authorized by these rules will not be acknowledged or acted upon.

You must first complete a transcript order form that can be found on our website [www.ca5.uscourts.gov](http://www.ca5.uscourts.gov). You are required to electronically file the form through the 5th Circuit electronic filing system, even if you have already done so with the district court. (Pro Se litigants must mail in a completed copy, unless otherwise advised.) When completed, this meets your obligation to order the necessary portion(s) of the court reporter's transcript, see FED R. APP. P. 10(b). Second, you must make financial arrangements with the court reporter to pay for the transcript. If you are pro se and unable to afford payment, you must file a motion with the district court requesting a transcript at government expense, and notify this court of the filing. We will then coordinate with the court reporter for a time to file the transcript. The court reporter should contact you directly if an extension of time is granted to file the transcript. If you do not order or make arrangements to pay for the transcript within 15 days, we will dismiss your appeal without further notice, unless the case is a criminal appeal and you are proceeding In Forma Pauperis, see 5<sup>TH</sup> CIR. R. 42.3.

We will provide you information about the briefing schedule of this appeal at a later date. If a transcript is unnecessary, notify us and we will start the briefing schedule. 5<sup>TH</sup> CIR. R. 31.4 and the Internal Operating Procedures following rules 27 and 31 state that except in the most extraordinary circumstances, the maximum extension for filing briefs is 30 days in criminal cases and 40 days in civil cases.

All counsel who desire to appear in this case must electronically file a "Form for Appearance of Counsel" naming all parties represented within 14 days from this date, see FED R. APP. P. 12(b) and 5<sup>TH</sup> CIR. R. 12. This form is available on our website [www.ca5.uscourts.gov](http://www.ca5.uscourts.gov). Failure to electronically file this form will result in removing your name from our docket. Pro se parties are not required to file appearance forms.

**Attention Attorneys:** Direct access to the electronic record on appeal (EROA) for pending appeals will be enabled by the U S District Court on a per case basis. Counsel can expect to receive notice once access to the EROA is available. Counsel must be approved for electronic filing and must be listed in the case as attorney of record before access will be authorized. Instructions for accessing and downloading the EROA can be found on our website at [www.ca5.uscourts.gov/attorneys/attorney-forms/eroa\\_downloads](http://www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads). Additionally, a link to the instructions will be included in the notice you receive from the district court.

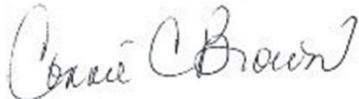
Sealed documents, except for the presentence investigation report in criminal appeals, will not be included in the EROA. Access to sealed documents will continue to be provided by the district court only upon the filing and granting of a motion to view same in this court.

**Attention Attorneys:** Attorneys are required to be a member of the Fifth Circuit Bar and to register for Electronic Case Filing. The "Application and Oath for Admission" form can be printed or downloaded from the Fifth Circuit's website, [www.ca5.uscourts.gov](http://www.ca5.uscourts.gov). Information on Electronic Case Filing is available at [www.ca5.uscourts.gov/cmecf/](http://www.ca5.uscourts.gov/cmecf/).

In light of the appointment of the Federal Public Defender's Office to represent the appellant, Mr. Karl C. Hightower's name has been removed from the docket and will no longer receive correspondence with regards to this matter.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Connie Brown, Deputy Clerk  
504-310-7671

cc:

Mr. Jay Tresca Golden

Mr. Karl Crawford Hightower  
Mr. Arthur S. Johnston III